

LOCAL BANKRUPTCY RULE 5003-2

RECORDS AND FILES; DISPOSITION OF EXHIBITS

(a) RECORDS AND FILES

- (1) When Order Required. No records or objects belonging to the files of the court may be taken from the office or custody of the clerk except upon written order of the court.
- (2) Form of Receipt. Any person removing records pursuant to this Local Bankruptcy Rule shall give the clerk a descriptive receipt containing the following:
 - (A) The name, address and telephone number of the person removing the records or objects.
 - (B) An itemized description of the records or objects removed.
 - (C) The date of removal.
 - (D) The place in which records or objects will be used or kept.
 - (E) The estimated date of return to the clerk of the records or objects.
- (3) Exception for Court Staff. The provisions of this Rule shall not apply to a judge, members of a judge's staff, United States Magistrate Judge, court recorder, clerk, clerk's staff, or courtroom deputy requiring records or objects in the exercise of their official duty. Any court officer removing records or objects shall provide the clerk with a receipt indicating the information required above.

(b) DISPOSITION OF EXHIBITS

All models, diagrams, documents or other exhibits lodged with the clerk that are admitted into evidence or marked at trial shall be retained by the clerk until expiration of the time for appeal without any appeal having been taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of any appeal, or order of the court, whichever occurs first. The clerk shall thereafter return such exhibit (except contraband) to the person or persons to whom it belongs. If any exhibit is not withdrawn from the clerk's office within

30 days after the person or persons to whom it belongs are given written notice to claim it, the clerk may destroy the exhibit or otherwise dispose of it as the court may approve.

(c) REMOVAL OF CONTRABAND

Contraband of any kind coming into the possession of the clerk shall be turned over to an appropriate governmental agency which shall destroy or otherwise dispose of the contraband as provided by law. The agency shall give the clerk the receipt required by this Local Bankruptcy Rule.

(d) CONFIDENTIAL COURT RECORDS

- (1) Filing Under Seal. No paper shall be filed under seal without prior approval by the court. If a filing under seal is requested, a written motion and a proposed order shall be presented to the judge along with the paper submitted for filing under seal. The original and judge's copy of the paper shall be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. Copies to be conformed need not be placed in sealed envelopes. The preceding shall be subject to 11 U.S.C. § 107.
- (2) Disclosure of Sealed Papers. No sealed or confidential record of the court maintained by the clerk shall be disclosed except upon written order of the court. A motion for disclosure of sealed or confidential court records shall be made to the court in writing and filed by the party seeking disclosure. The motion shall set forth with particularity the need for specific information in such records. The procedures of Local Bankruptcy Rule 9013-1 shall govern the hearing of any such motion.

Court's Comment

1998 Revision

Paragraph (a)(3) Exception for Court Staff. *Court reporter* deleted as court reporters are no longer used by the court; *or between clerk and clerk's staff* deleted. The word *Judge* was inserted after Magistrate.

Paragraph (b) DISPOSITION OF EXHIBITS. *Expiration of the time for appeal, or, where no appeal is taken* changed to *expiration of the time for appeal without any appeal having been taken* in the first sentence. *Final disposition of the appeal* changed to *final disposition of any appeal* in the first sentence.

Paragraph (c) REMOVAL OF CONTRABAND. *Returned* changed to *turned over* in the first sentence.

Paragraph (d) CONFIDENTIAL COURT RECORDS. *DISCLOSURE OF* deleted from paragraph title. New subparagraph (a) added.

Paragraph (d)(2) Disclosure of Sealed Papers. Paragraph heading added. *Sealed or* added to first sentence of former Local Bankruptcy Rule 137(4). *An application* changed to *a motion* in second sentence; *sealed or* added to second sentence; *by written petition to the court* changed to *to the court in writing and* in second sentence. *That petition* changed to *the motion* in third sentence. *Petition* changed to *motion* in fourth sentence.

LOCAL BANKRUPTCY RULE 5010-1**REOPENING CASES**

A motion to reopen a closed bankruptcy case shall be filed with the clerk together with the appropriate filing fee, except that a trustee in a case may request that the fee may be charged to the estate. The motion shall be accompanied by appropriate declarations showing cause therefor. The motion shall be assigned to the judge to whom the case was last assigned, if still in office; otherwise, such request shall be assigned at random by the clerk to a judge to hear and rule upon the request. Notice shall be given to any former trustee in the case and the United States trustee.

Court's Comment**1998 Revision**

Former Local Bankruptcy Rule 111(14). Heading changed from *MOTIONS TO REOPEN CASE*. *United States trustee's office* changed to *United States trustee*. Last sentence of former Local Bankruptcy Rule deleted.

LOCAL BANKRUPTCY RULE 5011-1

WITHDRAWAL OF REFERENCE

See Local Bankruptcy Rule 9013-1(h): MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS), WITHDRAWAL OF REFERENCE.

Court's Comment

1998 Revision

New Rule.

LOCAL BANKRUPTCY RULE 5073-1**PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING****(a) PROHIBITION OF BROADCASTING, TELEVISION, PHOTOGRAPHY**

Unless otherwise ordered by the court, between 7:00 a.m. and 7:00 p.m., Monday through Friday, and at all other times when the court is in session, the use of any forms, means or manner of radio or television broadcasting and the taking or making of photographs, motion pictures, video or sound recordings is prohibited in:

- (1) Any and all courtrooms occupied by any judge.
- (2) Any and all chambers assigned to any judge.
- (3) Any and all areas used by the clerk and court staff.
- (4) Any garage or parking facility reserved for the judges or their staff.
- (5) All hallways and public areas adjacent to the above-specified locations.

(b) EXCEPTIONS

This Local Bankruptcy Rule does not prohibit:

- (1) Recordings made by official court recorders in the performance of their official duties. No other use may be made of an official recording of a court proceeding without an express, written order of the court.
- (2) The taking of photographs, when specifically authorized in writing, at ceremonial or non-judicial functions in the chambers of a judge of this court.
- (3) The videotaping or other electronic recording of depositions for trial purposes, nor the preparation and perpetuation of testimony taken by or under the direction of a judge of this court, or a visiting judge. No part of such videotape or other electronic recording shall be used without an express, written order of the court.

- (4) The possession of video or sound recording, photographic, radio or television broadcasting equipment. Any equipment taken into or through the areas enumerated in this Local Bankruptcy Rule is subject to such security regulations as may be adopted from time to time by the court.

(c) ENFORCEMENT OF RULE

The United States Marshal, the General Service Administration police, and the security force contracted for service by the court shall enforce the provisions of this Local Bankruptcy Rule. A violation of this Local Bankruptcy Rule shall constitute contempt of court.

Court's Comment

1998 Revision

Rule numbered and retitled in accordance with the Judicial Conference's Uniform Numbering System for Local Bankruptcy Rules.

Paragraph (b)(2). *In writing* added after *authorized* and *functions* deleted after *ceremonial* to conform to district court Local Rule 28.

Paragraph (b)(3). *Or a visiting judge* added at end of first sentence.

Paragraph (c). *In the United States Courthouse* replaced with *by the court* in the first sentence.

LOCAL BANKRUPTCY RULE 5075-1**MOTIONS FOR ADMINISTRATIVE ORDERS**
PURSUANT TO 28 U.S.C. § 156(c)

This Rule applies to motions by which a party in interest seeks an order from the bankruptcy court approving employment of persons or entities to perform certain duties of the clerk's office, the debtor, or the debtor in possession such as (1) processing proofs of claim and maintaining the claims register; (2) serving notices; (3) scanning documents; or (4) providing photocopies of documents filed in the case ("administrative orders").

All motions for administrative orders shall include a completed declaration on Local Bankruptcy Rules form F 5075-1.1 ["Declaration to be Filed with Motion Establishing Administrative Procedures Re 28 U.S.C. § 156(c)"] and the form "Mega Case Procedures Checklist." A courtesy copy of the motion, including the declaration and "Mega Case Procedures Checklist," shall also be provided to the clerk's office at the time the motion is filed. Movant's counsel must consult with the clerk's office in completing the checklist to the satisfaction of the clerk's office. Unless the judge to whom the case is assigned orders otherwise, any such motion which is not accompanied by the completed checklist may be denied by the court and any hearing thereon previously scheduled may be vacated.

Court's Comment**2003 Revision**

New Rule.